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7 (application for admission forthcoming)  
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10 **UNITED STATES DISTRICT COURT**  
11 **EASTERN DISTRICT OF WASHINGTON**

12 STATE OF WASHINGTON, et al.,

13 Plaintiffs,

14 v.

15 UNITED STATES FOOD AND  
DRUG ADMINISTRATION, et al.

16 Defendants.

NO. 1:23-cv-03026-TOR

NOTICE RE-NOTING MOTION

17  
18 The Plaintiff States filed their Motion for Preliminary Injunction before  
19 receiving a judicial assignment for this case and, accordingly, noted the Motion  
20 before the District's Chief Judge on March 27, 2023 at 10:00 a.m. (filling in the  
21 judge, date, and time fields are required by the ECF system to complete a motion  
22 filing). Now that a judicial assignment has been made, and pursuant to

1 LCivR 7(i)(3)(B)(i), the Plaintiff States re-note their Motion for Preliminary  
2 Injunction for March 27, 2023 at 10:00 a.m. before the Honorable Thomas O.  
3 Rice.

4 Counsel for the Plaintiff States have reached out to counsel for Defendants,  
5 but have not yet heard back regarding their availability. In the event that counsel  
6 for Defendants is unavailable on March 27, 2023 at 10:00 a.m., counsel for the  
7 Plaintiff States and counsel for Defendants will confer and contact the courtroom  
8 deputy to determine an available hearing date and time pursuant to  
9 LCivR 7(i)(3)(B)(i).

10 Plaintiff States likewise re-note their Motion to Exceed Page Limits for  
11 Motion for Preliminary Injunction, ECF No. 2, to reflect that it will be heard by  
12 this Court without oral argument.

13 DATED this 24th day of February 2023.

14 ROBERT W. FERGUSON  
15 Attorney General

16 /s/ Kristin Beneski

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*\*\*Applications for pro hac vice admission  
forthcoming*

**CERTIFICATE OF SERVICE**

I hereby certify that on February 24th, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which in turn automatically generated a Notice of Electronic Filing (NEF) to all parties in the case who are registered users of the CM/ECF system. The NEF for the foregoing specifically identifies recipients of electronic notice. I hereby certify that I have mailed by United States Postal Service, and sent via electronic mail, the document to the following non-CM/ECF participants:

United States Food and Drug Administration  
Chief Counsel, Food and Drug Administration  
ATTENTION: LITIGATION  
White Oak Building 31, Room 4544  
10903 New Hampshire Ave., Silver Spring, MD 20993-0002  
OC-OCC-FDA-Litigation-Mailbox@fda.hhs.gov

Robert M. Califf, Commissioner  
Chief Counsel, Food and Drug Administration  
ATTENTION: LITIGATION  
White Oak Building 31, Room 4544  
10903 New Hampshire Ave., Silver Spring, MD 20993-0002  
OC-OCC-FDA-Litigation-Mailbox@fda.hhs.gov

I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

Department of Health and Human Services  
c/o General Counsel  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

1 Xavier Becerra, Secretary  
2 c/o General Counsel  
3 Department of Health and Human Services  
4 200 Independence Avenue, S.W.  
5 Washington, D.C. 20201

6 U.S. Attorney Vanessa R. Waldref  
7 United States Attorney's Office  
8 Eastern District of Washington  
9 920 W. Riverside Avenue, Suite 340  
10 Spokane, WA 99201

11 I declare under penalty of perjury under the laws of the State of  
12 Washington and the United States of America that the foregoing is true and  
13 correct.

14 DATED this 24th day of February 2023, at Seattle, Washington.

15 /s/ Kristin Beneski  
16 KRISTIN BENESKI, WSBA #45478  
17 First Assistant Attorney General  
18  
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20  
21  
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